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SPEECH

OF

HON. B. H. HILL,

DELIVERED BEFORE THE

GEORGIA LEGISLATURE

IN MILLEDGEVILLE,

ON THE EVENING OF THE 11TH DECEMBER, 1862.

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Printed by request of Members.

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MILLEDGEVILLE:

R. M. ORME & SON, PRINTERS.

JANUARY, 1863.

## CORRESPONDENCE.

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MILLEDGEVILLE, December 12, 1862.

Hon. B. H. Hill :

DEAR SIR :—The undersigned, members of the General Assembly, take pleasure in expressing their high gratification at the able address delivered by you last night in the Representative Hall, and would respectfully request a copy for publication.

Very respectfully, yours,

S. F. ALEXANDER, 34th Dist.

J. A. SHEWMAKE, 17th Dist.

L. M. HILL, 29th Dist.

B. T. HARRIS, 20th Dist.

D. R. MITCHELL, 42d Dist.

JOS. A. GASTON, 36th Dist.

WM. GIBSON, 18th Dist.

J. H. ECHOLS, 30th Dist.

T. M. FURLOW, 13th Dist.

D. J. BOTHWELL, 14th Dist.

WM. P. BEASLY, 37th Dist.

WILLIAM M. BROWN,

E. G. CABANISS,

J. A. L. LEE,

J. H. R. WASHINGTON,

JOHN FAVER,

JAMES B. KEY,

JOHN W. McCORD,

P. E. LOVE,

MILTON A. CANDLER,

L. N. WHITTLE,

BEN. B. MOORE,

ROBT. J. BACON,

ROBERT HESTER,

T. M. NORWOOD,

J. J. THRASHER.

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LAGRANGE, Ga., January 7th, 1863.

GENTLEMEN :—Your letter requesting for publication a copy of the speech I had the honor to deliver before the General Assembly, was handed to me before I left Milledgeville. I made the speech with no thought of publication, and therefore was not prepared with a copy.

Learning that a gentleman had taken tolerably full stenographic notes of the speech, I applied to him to write them out. He kindly promised to furnish them to me. After waiting a considerable time, he wrote me that he had been prevented from complying with the promise.

In the midst of other engagements I have endeavored to write out the speech. I have not been able to recall the language spoken, but the line of argument is precisely the same. Hoping the views uttered will, at least, do no harm, I place them at your disposal.

Since the speech was delivered, several splendid victories have crowned our arms with new and, if possible, more glorious triumphs. These give increased confidence to the high and gratifying hopes of final success which I then expressed.

In the midst of scenes which should excite universal accord and harmony in all the measures of the administration, it is painful to Georgians to find only in our State a few who still murmur and seek to divide. What can be the end or the object of strife now? Rational men must have a distinct purpose in view. Are we so tired of the revolution that we wish to retrace its steps and go back? Or are we so in love with revolution that we desire another? Or, is it simply an Erostratan ambition for notoriety?

Perhaps these differences are inseparable from republican governments. They existed in Washington's day, and charged the Father of his Country with infidelity to the Constitution, and with ambition to wear imperial purple. We can then afford to be patient, and the justice that rewarded then, will be meted out again.

With great regard for you all, personally, gentlemen, I have the honor to be,

Very truly yours,

B. H. HILL.

Messrs. E. G. Cabaniss, J. A. L. Lee, and others.

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## SPEECH.

*Ladies, Gentlemen of the General Assembly, and Fellow-citizens :*

When this revolution began I imposed on myself sternly what I regarded as the virtue of silence. In my opinion success had to be won by active arms, united hearts, liberal sacrifices, and that without which all these might prove unavailing—silent tongues. As you have just been informed, a large majority of the General Assembly invited me to address them, and in deference to their wish I am here to-night for that purpose. I am sure I intend to say nothing but that which will promote the good of the country and the harmony of our people—which I consider inseparable.

I have been an humble and very quiet actor in this revolution from its beginning. I have been a very close and anxious observer of men, of measures and of things, and it shall be my purpose to-night to give you a brief review in general terms of the embarrassments of the Confederate Government from its organization; the progress that Government has made; the causes of that progress, and the probable result of the revolution, judged by the past and the present.

Perhaps no assembly of men ever took place under circumstances of greater anxiety and higher responsibilities than those which surrounded and pressed upon the Convention which met in Montgomery on the 4th day of February, 1861. For one, I felt most heavily the crisis. There were many troubles on every hand. The present was stormy. The future was dark—very dark. When we first assembled we were forty-three delegates, representing six States. Texas was soon added. These seven States had separated from and formed a border or fringe of what had been a very powerful republic; a republic great in every sense; full of men; full of resources; full of genius and talent; and full of prosperity. We had a large coast, and no navy with which to protect and defend it. We had but a small population—less than three millions against more than twenty-five millions. Our resources were exceedingly limited. There was not known to be a saltpetre cave capable of being worked in the Confederacy. We had very few munitions of war, and still fewer facilities for procuring more. In all the elements of power necessary to prosecute the revolution by force, we were weak.

But all these together constituted not our greatest trouble nor our greatest weakness. The most serious difficulty resting upon that Convention was the conviction, very generally if not universally shared by the members, that we were not certain of a constituency. Our people were divided—greatly and almost angrily divided. There was not much division as to our abstract right to set up for ourselves, nor in relation to the fact that the sectional rule asserted by the North was a sufficient cause for separation; but many felt, and felt keenly, that the separation had been hasty, ill-advised, and without that consultation and concert which was due to our sister slave States, and to the crisis. Thus, seven States not compactly situated, with one-eighth the population, with a large sea coast exposed, with few supplies, and fewer resources, and with a divided people, dared the wrath of this powerful republic, as full of hate and fanaticism as of men and materials. How could these framers feel otherwise than oppressively anxious?

Nor was the prospect of our enlargement in any degree flattering. Soon after the assembling of that convention the border States voted on the proposition to cast in their lot with us. Not only by a large, but by an overwhelming majority, they refused to do so. And we felt and knew that many had cast that vote under the stinging reflection that we had not treated them with due consideration.

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This was the state of things now known to us all, and therefore I speak of it freely. But, fellow-citizens, the skies soon began to change. Light mingled with the darkness. True, it was on the bosom of a war cloud, and just before a deluge of blood, yet the bow of hope was seen and all was not darkness.

What wrought this change and inspired this hope? The first cause will be found in the prompt and wise labors of that Convention. The formation of the new Constitution was a very powerful agency for good. Many of our own people had serious apprehensions that the purpose of the revolution was not simply to get rid of the union with the North. Some anticipated a more radical democracy—a fearful anarchy. Others looked for an aristocracy, or even a limited monarchy. London, Exeter Hall, and Boston Pandemonium had horrid images of a slave-trade oligarchy floating before them, and certainly destined to shock the sensibilities of mankind.

All these were disappointed. The Convention, with a promptness and unanimity never surpassed, agreed upon and adopted the old Constitution with only such changes, well interwoven, as time and discussion had shown to be necessary and proper. Even the candid of our enemies were driven to admit that the new Constitution was an improvement. The world admitted the statesmanship of the Convention, and our own people began to acquire confidence. So, also, the great body of the old laws were adopted, and our people found themselves living under their ancient usages and customs, and changed in nothing but their federal associates.

In the election of Executive officers, also, the Convention manifested much wisdom and a liberal spirit. While statesmen of ripe ability were selected, both the latest divisions of parties found themselves represented in the persons of leaders having no superiors in their ranks. None felt proscribed, and if all were not convinced of the wisdom and necessity of separation, all were satisfied that the destruction of constitutional liberty was no part of the design of that Convention, and that the shaping of the new government had fallen into safe, conservative hands.

But, much as we owe to the wisdom and moderation of our own statesmen, we owe much more to the folly of Mr. Lincoln and his advisers. Left to ourselves we never could have accomplished the great results we so soon witnessed. To secure the confederation of those who had so emphatically refused to join us; to remove the jealousies and heart-burnings which long party divisions had fostered, and which the last contest for separation had not allayed but increased; to break the affections of our people at once and forever from a Union which they had always loved, and connected with which were so many delightful memories and historic glories; these formed a task for which all ordinary means were unequal. If Mr. Lincoln had comprehended the crisis, and had adopted towards the seceded States a pacific, instead of a belligerent policy; had shown a purpose to administer the government according to the just and equal rule of the Constitution, instead of the hated dogmas of a mad sectional party, the border States would not have left the Union, and it is exceedingly doubtful whether the cotton States would have remained out of the Union. But madness and folly ruled our enemies, and success and power were the results to us. In April, 1861, Mr. Lincoln called for seventy five thousand men to coerce sovereign States to a loathsome sectional rule, and by this giant effort of imbecility. Virginia—glorious old Virginia—was thrown into our arms wide open to receive her. Doubts were all removed, weakness was all gone—we were confident, strong and united; Virginia was with us. Soon the great States of North Carolina, Tennessee and Arkansas followed, and for the same reasons. At once we had a territory not surpassed by any nation—large, compact and fertile. Our white population was more than doubled, our resources quadrupled. Munitions of war, with facilities for increasing them, were added in great quantities, and though terrible war was the agency by which all this success was acquired, yet with the war came to us the power to meet it. The same policy which added thus to our material greatness, produced perfect unity among our people, removed all jealousies and divisions, and kindled in eve-

ry bosom a blaze of patriotism, and aroused the high resolve which prepared all for those noble deeds and liberal sacrifices which cannot fail to insure independence and nationality. Missouri and Kentucky, in time, were added to the Confederacy, and though those great States labor under great disadvantages, and have the heel of the oppressor heavily on them, they have furnished many of the noblest heroes and most gallant spirits who have hallowed our cause and brought glory to our struggle. In heart and interest they are of us, and must be in destiny with us.

Thus, fellow-citizens, in a few short months we had adopted our Constitution, framed our laws, healed our divisions, enlarged our borders, multiplied our resources, and exhibited to the world all the elements of an admirable government in successful operation. With equal rapidity did we now prepare to defend that government from a most powerful and vindictive foe. Our success in this respect has never been equalled by any nation or people in history. The best evidence of this may be found in the confessions of our enemies; for the greatest tribute ever rendered to any people was rendered to the Confederate army and government by their disappointed and defeated foe. When the hosts of the enemy fled in fright and dismay before our army of heroes on the ever memorable field of Manassas Plains, the only excuse they could find for their discomfiture was in shame and confusion to confess they had fought before they were ready. Think of this my countrymen! An old government, organized for three-fourths of a century; with a regular army and navy; with twenty millions of people and countless millions of material resources; with a General in command who had fought his hundred battles and had never known defeat; with a great army well equipped and full of confidence; a nation vain and proud, impatient and insolent; apologizing for a most ignominious defeat in sight of its Capital, by a despised band of improvised rebels, sent out by a government less than six months old; and finding no ground of apology save in the humiliating confession that they fought too soon—before they were ready! Surely a fact like this should satisfy the most exacting that this young republic had been most vigorous and active, most vigilant and faithful.

With the history of the struggle since this first great trial of arms you are all familiar. It is not my purpose now to deal with incidents, but to state results, and show the way to correct conclusions. We have had disasters, at which none can wonder. But we have had successes, many and great successes, at which all the world do wonder; at which posterity will never cease to wonder. We have had defeats and losses. Considered in themselves they have been sore and depressing. The good and the noble have fallen, and the dark shadows of sorrow have passed over the door sills and rest by the hearthstones of almost every home in the land. But considered in the light of the circumstances which surrounded us, and in view of the effects upon our national success, I affirm that all our disasters are as nothing. Indeed, when impartial history shall weigh this struggle in the balances of unerring philosophy, it will be doubtful whether Manassas and Leesburg, or Fishing Creek and Donelson will press down the scales. Failures are not always losses, and blessings sometimes chastise. But in the Cabinet and in the field the rule has been success and defeat the exception. In every respect we have steadily progressed. I have watched this revolution anxiously: I have scanned the chief actors critically; my own, and my children's, and my country's all, are wrapped up in it; and in full view of all my responsibilities, and before you who have honored me, I assert this night, most confidently, that the Confederate States have strengthened with every day of their existence; yea, though it be early morning with us, every hour is brightening into day. There is no apology for discouragement, and no propriety in grumbling.

This success, this progress, is not the glory of any one man, nor of any one agency, but is the work of many men and the result of several causes. No government was ever defended by a more heroic army. From the humblest private to the General in command, they are above praise. Nor can history furnish a parallel for the active, demonstrative patriotism of our people. I doubt whether either the government or the army could have been sustained

without the voluntary and most liberal contributions of the people. It was not possible for any government in so short a time to have provided for so large an army. It required the most marvellous energy to pass the necessary laws, provide appropriate means, and to organize the volunteering multitudes and discipline them for the fight. Every man, every woman, and every child in the land became an assistant commissary, an assistant quartermaster and a volunteer aid in every part of the glorious work. These are facts which all admit, and which our children shall celebrate in song and story as long as liberty is prized or patriotism is honored. Without this heroism of our army and generous support of our people we never could have succeeded; but with these alone, great as they were, failure would necessarily have ensued. Laws, order, system, wise policies, skillful plans, and vigorous and judicious administration were indispensable to success. Without these, the first would have produced but anarchy, waste and ruin. For these laws, this system, and this vigorous and judicious administration, the legislative and Executive departments of the government were responsible. Both were equal to the demands of the fearful occasion. Neither the provisional nor the permanent Congress ever failed to provide every necessary law and all proper means to meet the growing and ever-pressing calls of the contest. The only serious charges of want of foresight and promptness of action which have been made against the Congress, I will presently show were made without a knowledge of the facts, and by the answer to these charges I hope minor accusations will be judged.

In republics the disaffected and the dissatisfied generally level their shafts against him who may for the time be the chief Executive. Different conclusions, which are always formed when free discussions are universal; private griefs, which must exist when all cannot be gratified; personal jealousies, which will arise when many aspire and few can be chosen, must be expected to do their usual share of fault-finding in the new Confederacy. In addition to these sources of discord, inseparable from all free government, there are others growing out of our anomalous form of double governments. In the nature of things the State governments will be jealous. This jealousy is often legitimate. In the old Union there were many occasions when the Southern States were justly resentful, and State complaints became popular to the Southern mind. It is not strange, therefore, that the earnest and the ambitious—indeed all the classes first mentioned—should seek to invoke the force of this popular feeling in their behalf, and in all their clamors against the Confederate Government and the Confederate Executive, in season and out of season, to cry "State Rights." Now, gentlemen, I will give you frankly my opinion of our first President—Mr. Davis. In the old Union he and I always thought differently and acted with different political parties. I was not prepossessed in his favor. He was not originally my first choice for his present high position. Furthermore, since his election, if a single old political friend of mine, in this State, has received a civil commission at his hands, I am to this hour not aware of the fact. These things are not calculated to win a favorable judgment; but I experience a sense of self-respect when I realize as I do the fact that I am capable of lifting myself above all these petty, but too often popular considerations, and can judge the President by the merit of his ability and patriotic motives, and by the principles of his administration. Thus judging him, I declare to you that if I had now to select a Chief Magistrate for this trying crisis, I should feel it a duty to select Jefferson Davis. I concede the charge sneeringly made, that he is neither a Cæsar, nor a Cromwell, nor a Napoleon. He is nobler than either and greater than all, because he has respect unto the laws of the land, and seeks to establish and not to destroy constitutional government. In my opinion, his great desire, to which all earthly desires are subordinate, is our final and complete success in this revolution. Mr. Lincoln, with all the advantages of a long organized, powerful and well supplied government; State Executives, even in the Confederate States, not having upon their shoulders the conduct of this gigantic war; have pleaded necessity as an excuse for exercising extraordinary powers, and have trampled upon constitutional restrictions and individual rights. But Mr. Davis, with all the disadvantages



of a new and weak government to which I have alluded, and with the fearful doom of the chief of traitors full before him in case of failure, has never yet found it necessary to violate the Constitution of his country, nor to trample upon the rights of the humblest citizen. Within the boundaries of law, by the provisions of legislative grant, and according to the high and ancient privileges of Anglo-American freemen, he has used the sword to the shame and discomfiture of a million of enemies in arms. By a vigorous policy he has led a new-born nation from weakness to power. By a firm but humane adherence to the great principles of nations into whose family we had been refused admittance, he has degraded the faithless excesses of our adversary to universal notoriety and perpetual infamy. And by the wisdom of an accomplished statesmanship, and the pure rhetoric of an elegant pen, he has secured admiration and esteem for himself and his countrymen in the highest Cabinets and most refined Courts of the civilized world. Even our enemies, usually so bigoted and selfish, are driven in shame to apply every epithet of ridicule to the awkward blunders of their President, and to admit the ability, the tact and the statesmanship of the "rebel chief."

A wise government, then, a gallant army, and a liberal, cordial and united people, constitute together the cause of our progress, the assurance of our success, and our title to admiration and renown.

In a republic of free opinions, where the minds of men are as variant as the leaves on the trees, and as unrestrained as the zephyrs that fan them, we have much cause to be gratified that so few issues have been made with the administration, and that the issues made have found so few advocates. On almost all questions our people are unanimous. Politicians have prepared a few issues. None, thus far, have been accepted or taken up by the people. Complaints are few, and some of the few may be traced to causes outside of the merits of the questions involved.

It has been said that the Navy Department has not done its duty. In my opinion, no portion of our people are more patriotic than the navy, and no portion of the government has been managed with more industry, under the disadvantages to which it has been subjected, than the naval. Much of the work and policy of this department is necessarily kept from the public. The people, or rather some persons, condemn because they do not know, and the Secretary must submit in silence, because to defend would be to expose and damage the public service. But it does seem to me the people have seen enough to satisfy them—even to excite their gratitude and pride.

When this revolution began, all said we could expect *nothing* from the navy. We had no navy. We had neither time nor materials to build one, nor means to purchase one. But while the whole country was resting satisfied that we could do but little on the water, the navy was at work, and all at once the country was waked up, the world was waked up, by the grandest naval achievement in all history. Like Minerva, full grown and full armed at her birth, the iron-clad Virginia leaped to life, and in a day taught the world a lesson in naval warfare, the wonder of which mythology had never imagined nor centuries of science discovered. At once hundreds of sea monsters, long terrible on the water, were shown to be worthless. Nautical science is conning her rules anew, and to remodel, re-arrange, and build again condemned war vessels, engages the energies of every nation which aspires to dominion on the seas. The necessities which required the destruction of such vessels as the Virginia and the Mississippi were great misfortunes to us; but the misfortunes were great in precise proportion as the works were powerful. If the Virginia and the Mississippi had not been constructed we should not have known how great was their loss. Those who produced them could not have been dull or idle. Regrets for losses caused by the necessities of our condition as a naval power, cannot justify us in blaming those who have done so much to improve that condition. The magnitude of our losses is known only by the splendor of our successes. Impartial history will do justice to this department of our government, and cotemporary history is never impartial and rarely truthful. While, in this respect, we have not done what all desired, yet all candid minds must confess we have done far more than any, in the beginning anticipated.



The military appointments of the administration also, at one time, excited some dissatisfaction. Lee, and Johnston, and Jackson, and Longstreet, and the two Hills, and many others, have silenced these complaints. Natural endowments are great helps in all the positions of life, but education improves all talents, including the military. Upon this idea I presume the President acted in making appointments, and in a great majority of cases results have vindicated the wisdom of the rule.

For several months there was a zealous clamor for an invasion of the North. The administration was censured, in some quarters acrimoniously censured, for not, at once, invading the enemy's territory. Wonderful campaigns were planned; armies vanquished, States humbled, cities destroyed, and the enemy forced to sue for peace, by generals who remained at home, and by statesmen who wrote much, thought little, and knew less. Upon this subject, I confess to you I once felt much anxiety. The appeal was plausible to the passion and vengeance of our people, who had so much cause for passion and revenge. All the impulses of resentment were aroused, and prudence and wise counsel were in danger of being overwhelmed. By invasion, under the disadvantages which surrounded us, we should have been ruined speedily and forever. On our own soil and in defense, we have ever been and will ever be invincible. Recent events have satisfied all of this truth, and on this subject there is no longer any danger of divisions among our people.

I can now remember but one more issue upon which an attempt has been made to excite an opposition to the administration of the government. The occasion for this attempt is found in the acts of Congress known as the Conscription Laws. This disaffection has proven to be limited in extent, and must soon pass away, and, like the other attempts to which I have alluded, will be remembered only to be regretted. The relation which I bear to this legislation, and to this State, in which the greatest clamor (indeed, the only real clamor) has been made against the legislation, requires that I present my own views upon the questions made.

Before entering upon the argument, I desire to rehearse some facts which will most effectually expose the fallacy of some charges which have been made and often repeated against the President and the Congress in relation to the necessities which produced the resort to conscription to maintain our armies.

It has been said that there was no occasion for the passage of these laws; that the spirit of volunteering was ample to keep up the army; that calls on the States would have secured all the troops needed; and that, if at the time these laws were adopted the necessity did exist, that necessity was brought about by the negligence and want of foresight in the Provisional Congress, and from a *desire* on the part of the government to have an excuse to resort to conscription. These charges are so utterly untrue—so utterly at variance with the very records of the government, that I must presume the authors were entirely ignorant of the legislation of Congress and the acts of the government. I am not willing to believe that men in position would originate or repeat such grave charges with a knowledge of the facts. As I was the humblest of the actors, it is becoming in me to invite your attention to a simple recital of history.

As early as the 28th day of February, 1861, an act was passed "to raise Provisional Forces for the Confederate States of America, and for other purposes," and by this act the President was authorized to receive into the service of this Government such forces in the service of the States as may be tendered, or who may volunteer, by consent of their State. in such numbers as he may require, for any time not less than twelve months, unless sooner discharged." The troops raised by the States and turned over, were to be received "according to the terms of their enlistment."

On the 6th day of March, 1861, an act was passed "to provide for the Public Defense," and by the act the President was "authorized to ask for and accept the services of any number of volunteers, not exceeding one hundred thousand, to serve for twelve months unless sooner discharged."

On the 8th of May an act was passed "to raise an additional military force

to serve during the war," and under this act the President is authorized to accept volunteers *without limit, and for every arm of the service.*

But very many complaints came up to Congress that some of the State Governors were exceedingly partial in the tender and organization of the regiments under former acts—that they were using their powers to put forward their friends and promote themselves—and that many who offered regiments and companies to the Governors were either rejected or discriminated against in some odious manner, and that arms, then scarce, were furnished only to favorites. To remedy these complaints, and secure the services of all these gallant men, Congress, on the 11th day of May, 1861, passed an act "to make further provision for the Public Defense," and authorized the President to receive such volunteers as may tender themselves, and he may require, "without the delay of a formal call upon the respective States, to serve for such time as he may prescribe."

It was under one of these last acts—the first for the war—that the gallant Bartow tendered his company of Oglesbories and was accepted. I believe his was the first company enlisted for the war.

On the 8th of August, 1861, an act was passed "further to provide for the Public Defense," by which the President was authorized to accept four hundred thousand volunteers for not less than twelve months nor more than three years, unless sooner discharged.

There was a clamor from some quarters that certain localities were not defended, and that many persons would enlist for the defense of particular localities, who would not volunteer in the general service; and that many persons would be useful on special service, who would not enlist to be sent off to unknown and discretionary service. Therefore, on the 21st of August, 1861, an act was passed "to provide for local defense and special service," by which the President was authorized "to accept the services of volunteers, of such kind and in such proportion as he may deem expedient, to serve for such time as he may prescribe, for the defense of exposed places or localities, or such special service as he may deem expedient." Such forces were to be mustered into the service of the Confederate States, "for such local defense or special service, the muster-roll setting forth distinctly the services to be formed." Under this act I affirm, with knowledge, that the Confederate Government was always willing and desirous of employing all necessary troops for all local defense of each State—to incur all the expenses of such defense, and relieve the separate States of all necessity to incur such enormous expenses.

Again, on the 22d January, 1862, an act was passed authorizing the President to accept volunteers "*singly*, as well as in companies, squadrons, battalions, or regiments."

Thus, gentlemen and fellow-citizens, you will perceive that Congress adopted every conceivable mode of getting volunteers. Even the humors of States and the caprices of individuals were all consulted. If men wished to come by tender through the States, there was the law. If directly, by offer to the President, there was the law. If as cavalry, artillery, infantry, or mixture of all, or even as independent partizans, there was the law. If they wished to volunteer for three, six, or twelve months, for three years, for the war, or for any other time, there was the law. If they wished to enter the general service, or to be enlisted to defend a particular State, or county, or city, or town, or farm, or fireside, there was the law. If they wished to come in legions, or regiments, or battalions, or squadrons, or companies, or even singly—all alone and all ablaze with patriotism—there was the law precisely fitting the case, and made to fit the case. Come!—it matters not how, it matters not from where, it matters not with whom, it matters not for how long—come, come, and come quickly, and defend our invaded country—was, and is, and has ever been the earnest appeal of the government—the President and the Congress—to all our people! Will any complaining, far-seeing assailant tell me what other form of tender or acceptance Congress could have adopted to encourage men to volunteer?

Under these various acts of Congress we raised in the aggregate about four hundred regiments; very few if any, however, filled to the maximum

number. We could raise no more without other and extraordinary means. It is a glorious tribute to the patriotism of our people that we raised so many and so speedily by voluntary enlistment. It was certainly sufficient for any other war of modern times, if not for any age of the world. But our enemy was growing stronger. A million, full of rage and hate, were flying to arms to enslave us. Our own ranks began to grow thin. Skeleton regiments were seen in every direction, and about half of them were soon to disband by reason of the expiration of their term of service.

Something must, therefore, be done to give new life to these modes of securing volunteers which I have recited, and to retain those already in service. Very early the Congress entered on this work. To this end on the 11th day of December, 1861, an act was passed known as the Bounty and Furlough act. By this act fifty dollars was paid to every private and non-commissioned officer in service, who would remain in service for three years from the original enlistment, or for the war; and to every man who would volunteer or enlist in the service for three years or for the war. Also, each twelve months soldier re-enlisting was to have a furlough for sixty days, with transportation home and back. Such as did not wish to go home were to have the commutation value of the transportation in money; and even those who had been in separate State service were included in the provisions of the law. On the 19th day of December, 1861, an act was passed which authorized the Secretary of War "to adopt measures for recruiting and enlisting men for companies in service for the war, or for three years, which by the casualties of the service have been reduced by death and discharges."

But it was said that many would not join existing organizations, who would, if encouraged, volunteer in new ones, and thus have an opportunity either to be chosen or to choose officers, &c.

So, on the 22d day of January, 1862, Congress passed an act authorizing the President "to appoint and commission persons as field officers or Captains to raise regiments, squadrons, battalions or companies, and all persons thus enlisted by them were to have, in addition to bounty, "pay, transportation and subsistence from the date of the organization of the Company."

Again, a general authority to organize a recruiting system not proving sufficient, Congress by the last act also authorized one commissioned and one non-commissioned officer, and one or more privates from each Company for three years or the war, to be detailed for the express purpose of going home to recruit men for the Company. And on the 27th of January, 1862, an act was passed authorizing three details of an officer and two privates to recruit for the companies originally enlisted for twelve months.

So, we not only provided every mode for volunteering which even caprice could suggest, but also offered every inducement and stimulant that ability would allow or ingenuity could devise. Men were not only received and received in their own way, but they were sent for and begged to come. Tried veterans filled the country urging those at home to join their glorious ranks. Money was freely offered, and ambition was commissioned to employ all its energies in raising regiments, battalions, squadrons and companies to secure command. All failed. Our army was still thinning and the enemy still increasing.

Even yet the government was not willing to give up the favorite popular system of raising and keeping an army by voluntary enlistment.

One more method was resorted to—the one about which we hear so much from men who do not seem to know what has been done.

On the 23d of January, 1862, an act was passed authorizing the President "to call on the several States for troops to serve for three years or during the war." This is the plan which we are flippantly told would accomplish every thing. And the Congress and the President are abused for not adopting this plan. Well, Congress did pass the act, and the President did make the call, and let us see what was accomplished and how it was done.

The quota required of Georgia, I believe was twelve thousand, and as our State seems to have made as much effort, and as much noise about her efforts as any other State, I will take Georgia as the test. The quota for Georgia was filled, and we are told there was a large excess. If this were



all, the argument might be worth something. But how were these troops raised?

In the first place I state a fact of which you are not probably aware.—Soon after this call was made the Governor sent a request, or perhaps a protest to the Secretary of War that no more troops should be raised in Georgia by persons having commissions for that purpose under the act to which I have referred, until this requisition was filled; and a number of regiments partially raised were only saved from being disbanded by the Secretary agreeing that they should be credited to Georgia as part of the quota required under the call. I do not state this to blame the Governor, but it is a fact which shows that he thought he would be unable to raise the quota if these commissions were continued, and that there would be difficulty in filling the requisition. But even with this help, how did the Governor proceed. I have not the proclamation before me, but I cannot mistake or forget its character. He allotted a proportion to each county, and designated a day when all, I believe, of the militia age, should be called out, and the offer should be made for volunteers. If they volunteered, all well; if not they were to be drafted—*conscribed*, and this is the *first instance* of practical conscription during this revolution in the Confederate States known to me. The system proposed by the Governor in one feature is similar to the conscription acts, for those acts give every man an opportunity to avoid conscription by volunteering. But in all other respects the conscription acts are far preferable and more in accordance with the genius of our institutions. Mr. Davis would never think of ordering a draft or conscription without legislative authority. The Governor had no authority of law for his order. Nothing was ever more illegal. Again, his draft classified very arbitrarily, if not worse, and by executive order limited the right of suffrage—thus making a refusal voluntarily to respond to an executive call an occasion for forcible seizure of the person—a discriminating seizure of persons, and an excuse for depriving the persons so seized of the right to vote—all, I repeat, *without legislative authority*! I refer to these facts, not to make a charge against the Governor, but to show how these troops were raised, and how little of the *volunteer* spirit was manifested. Other States, I am informed never did fill the requisitions of the President. How many I do not know.

Do you suppose your members of Congress did not observe the illegal process adopted in Georgia for filling this requisition? And would they have been wise to have supposed another requisition could be filled by *volunteering*? They would have merited and would have received universal execration, and those who now condemn for what was done would have taken the lead in the execration.

Again, it has been charged that Congress showed a great want of foresight in receiving so many men for twelve months, and that from the beginning they ought to have received volunteers only for the war, and this would have saved the trouble about the twelve months regiments.

By reference to the acts of Congress as I have enumerated them, you will see that the two acts under which twelve months troops were accepted were passed, one on the 23d of February and the other one on the 6th of March, 1861. The first simply authorized the troops to be accepted by the President which had been raised by, and were in the service of the States, and they were to be received on the *terms of their enlistment*—of course by the State laws before the confederation. Thus, most of these men were raised *by the States*—those governments that always do right; and the want of foresight is charged on the Congress by State rights men.

Again both these acts were passed before there was any war, and at a time when most of our statesmen, and especially those who charge the Congress with a want of foresight, were telling us there would be no war. They abuse the Congress for not raising troops to serve during the war, when there was no war, and they were telling us there would be no war! Yet, ridiculous as it is, this is about the fairest charge made against the government. As I think we ought to have known that there would be a war—a bloody war—and we ought to have raised troops accordingly. Nevertheless, we have done well and all ought to be satisfied.

Thus, every plan for authorizing volunteers had been tried; every inducement had been offered which the government was able to offer; every appeal had been made, and still our regiments were but skeletons. Still, half those regiments were going out of the service. Roanoke and Fishing Creek, and Donelson and Nashville had covered the land like so many thick palls of darkness. On every side the enemy was gathering, boasting, pressing, robbing and destroying. A mighty army, which no man could number, was rushing to our classic Peninsular, and wild with the thought of sacking our capital, and destroying our people as the hungry locusts devour the grass blades in their pathway. Still, still, the heavy heart-crushing fact came back to your Congress and to your President, that our regiments were but skeletons; half of these would soon go home, and none were coming to take their places. The people did not and could not see and feel these facts as did those in authority who were entrusted by the people to keep faithful watch in that dark and stormy hour.

There was no remedy left but to keep all the regiments and organizations we had, and fill them up by a system of compulsory enlistment, and that remedy to be effective must be speedy and thorough.

But it is said this legislation is unconstitutional. That Congress had no power to raise an army by compulsion. Well, if this be true then the government was a failure. We had no government—no Confederate Government. And what a spectacle would we thus have presented to the nations of the earth. We were asking them to recognize us as a nation—to receive us into their family as an independent member. To entitle us to be so recognized and received, it is necessary by the established laws of nations, that we show to the nations that we have a government capable of commanding the obedience of our own citizens, and capable of repelling the assaults of foreign foes. That foreign foe was assaulting us most heavily. We had defended—nobly defended by voluntary enlistment, until that system had exhausted its strength. We must *command* to the fight or fail. If we had no right to command, the Confederate States was a demonstrated failure, both as to internal government and external power.

But why, upon what ground is this legislation unconstitutional?

First, because it is said to be contrary to individual liberty, and oppressive upon individual rights. Government, it is said, has no right to *force* men from their homes and business, and compel them to defend their country. This is a strange notion of liberty. Men owe obligations as well as possess rights. The performance of obligation is the preservation of rights, and the only security to liberty. Government is formed for mutual defence, and every member of government is under a paramount obligation to defend it as a very condition to his right to protection by the government. He who will not defend, has no claim to protection. To require a citizen to defend his government from hostile attack is not to deprive him of his liberty, but to require him to perform his obligation, and to defend liberty and all the rights of society. But it is flippantly said, that governments derive their just powers from the *consent* of the governed, and, therefore, there can be no power where there is no consent. What an argument for a statesman! Governments do *derive* their just powers from the consent of the governed, but do they *exercise* their derived powers only by the consent of the governed? When you call a man from his home and business, and make him a juror to settle other men's disputes, and fine and imprison him if he does not obey, do you ask him if he consented to the law under which he is summoned and compelled to attend? When you require a citizen to work the highway and public roads, do you ask him if he consented to the road laws? Yet military duty is far higher than these, for if the country is not defended, all other rights are destroyed and all duties consequently discharged.

Thus, it is a well established principle, which you will find in every standard author on government, that the obligation is on every man equally with his neighbor to render military service. No man is exempt except by law. Can a man be discharged from his obligation simply because he is unwilling to perform it? Are the willing to bear all the burden of defending the country? Can no man be a soldier but a volunteer? Is want of

will, or withholding of consent, to relieve from duty? When people form a government they may say whether that government shall be democratic, aristocratic or monarchical. They may say, as their theory, that all power is derived from the people, or resides in a crown. But when the government is formed, when the powers are conferred, it is the duty of those entrusted with the powers to exercise them, and it is the duty, the virtue and the patriotism of the citizen to obey. A citizen is under as much obligation to defend a republic as a subject a crown, and the greater, since the republic is formed by his consent. Originally when government declared war, the very declaration of war made every man a soldier. No special act was required to make him a soldier. The act of war *ipso facto* made him a soldier. None but women, children and invalids are natural exemptions. But all were not needed for the army; and besides it was important that some should produce provisions. Now, who shall say that this man must be a soldier and another must remain at home? In other words who shall raise the army? You cannot leave it to the individuals—the consent of the governed. Who can determine this but the government—the power that declares the war? Thus has sprung up the necessity for legislation to declare who shall be a soldier, to fix exemptions, and to ascertain the non-combatants. For under the laws of nations these non-combatants are entitled to many privileges, even to non-interference by the enemy with their persons and property. These principles are so familiar to students on government that I am amazed, that any one should assert a theory directly in the face of them.

No, my countrymen, it is every man's duty, and should be his pleasure to defend the government of his choice. No man has a right to say, "You shall go, because you are willing, and I will stay because I am unwilling to go." Willing or unwilling the duty is the same, and the government alone can systematize and enforce the obligation.

But, it is objected, secondly, that the States alone can exercise this power of compelling military service, and that the exercise by the Confederate Government is a violation of the rights of the States.

There is certainly a plain and easy method of settling this question. Is this power delegated or reserved? If delegated, it belongs to the Confederate Government; if reserved, it belongs to the States. The Constitution—the grant—is the only test. That most explicitly declares that Congress shall have power "to declare war," and "to raise and support armies." Here ends the argument, but, strange to say, not the controversy. Men who claim to favor strict construction, to oppose interpolation, now begin to construe and to interpolate. They say the Constitution means that Congress shall have power "to raise armies" by *voluntary enlistment*. By what authority of fact or logic are these words added? Again, men who love controversy, say the Constitution means that Congress shall have power "to raise armies" by *calls on the States*. By what authority are these words added? These broad and destructive interpolations upon the Constitution are not only without excuse, but in the very teeth of history. Under the articles of Confederation, the General Government was dependent on the will of the States for troops, and the system worked so badly, even during the revolutionary war, that the framers of the Constitution determined to get rid of it, and did get rid of it in the most clear intelligent and emphatic manner.

When the Convention were engaged in framing the Constitution, the very question of what powers should be limited and what not limited, was before them. Every power delegated was considered separately, and the necessary limitations were also considered, and the intention was to leave no words out which it was proper to insert: Hence eight of the eighteen powers are restricted and qualified in the very terms of the grant. The power to raise and support armies is limited as to the latter branch—*support*. "No appropriation of money for that purpose shall be for a longer period than two years." Now, the power to raise armies is the major proposition, and either of the limitations now proposed to be inserted, is greater than the limitation upon the power to support. Did the clumsy framers insert the minor qualification and leave out the greater?

But it is again said that this power to "raise armies" is limited by the pow-



er to call out the militia. With all due deference, I must say this confounding the army with the militia, is trifling with the question. The militia is a peace establishment—exists always in all the States. The States do keep the militia, but not troops of war in time of peace. When the Constitution was framed the States had a large frontier exposed to sudden invasions by hostile Indian tribes. History had also shown that Republics were subject to insurrections and resistance to the process of law. The desire was to provide a power ample to protect this large frontier from Indian incursions, to preserve internal peace and security, and to do all this without a large standing army. This was the very purpose of the militia. It was not to prosecute war, but to preserve the peace—to be used in sudden emergencies—and to this end it was organized to be kept always trained, always officered, and in every locality. And as the militia embraced the great body of the people whose business was not war, but agriculture, commerce, and all the industrial pursuits, and ought not, therefore, to be called away for a long period from their pursuits, the power of Congress is expressly limited to call forth the militia only to suppress insurrections, repel invasions and execute the laws. The militia may sometimes aid the army; but always for short periods; and, therefore, the militia, as such, has never been called out for a longer period than six months in this country. A proposition by Mr. Giles to call out the militia for two years, was denounced by the very men who opposed conscription, as an unconstitutional attempt to convert the militia into an army! And, in this, they were right. But “to declare war” is a wholly different power. To declare war is not to suppress insurrections, repel invasions, or execute the laws. It is broader and greater. It may require us to invade—to resent insult and revenge injuries, and to accomplish this great work—the most terrible necessity of a fallen nature—Congress had to have distinct and efficient means. And for this purpose Congress was invested with the power to raise and support armies. And this is right. If the thirteen States had remained separate, it would have required as large an army to wage war by, or in defence of one, as all. The expense of each would also be as great. Indeed, each State would have required a larger army than all would require, for with so many rival and conflicting powers so contiguous to each other, wars and collisions would have been frequent. To avoid these very evils—to provide a common defence—to make that common defence easy and light, was one of the very objects of the Confederation, and to make that common defence equal and a unit; the power to raise the army and to support the army was given to the common Government. To have left the execution of this power dependent on the will of the States would have been ruinous. For one State might be willing to furnish its quota of men and money, and another unwilling, as was soon the case, and this state of things would have produced not only weakness and injustice, but disagreements, criminations and collisions—the very evils which were intended to be remedied. In the war now pending, Congress did not want a militia to repel an invasion. Invasion, it is true, was one feature of the war; but it was only one feature. Congress wanted an army to prosecute war—to conquer a peace and win independence.

I will not offend your intelligence by pursuing so palpable an argument. I have thought this much was due from me because of my relation to this legislation. I was never more troubled than when this necessity for conscription, in some form, became manifest. The country at the time was filled with gloom. It was the dark hour of the revolution. I had no doubt even in that dark hour that some of the State authorities would resist the law as then proposed. I said as much in the Senate, not by way of approval, but in shame and sorrow. I feared the disaffection thus began by politicians and local authorities might extend to the army. The law was harsh on the twelve months men. I feared they might be reached by such untimely appeals and hurtful controversy. This would have wrecked us forever. The cause had already as much as it could bear in the common enemy, and the struggle was fearful. Whatever might be my opinion of the patriotism or wisdom of a controversy at that hour of darkness and gloom, I did desire, if possible, to avoid it; and to avoid it I was willing to leave no room for the

prejudices of the reckless or the whims of the capricious. Pending the subject, therefore, I preferred another proposition, or bill, a milder form of conscription, which I thought might accomplish the good and avoid the controversy. With the lights now before me, I doubt whether the milder form of conscription for which I voted would have been sufficient for the crisis. At all events, the present proposition became the law of my country, and I shall, as a good citizen, support it; and with equal cheerfulness whether I voted for or against it. I will not countenance that sickly patriotism, nor render commendation to that higher law fanaticism which cannot support as law, that which, as a proposition of expediency, did not meet the approval of individual preference.

Failing in the argument, the opponents of the law seek to provoke the jealousies, and to alarm the fears of the people. Why, say they, if this power to raise armies by consulsion is conceded to the Confederate Government, that Government could destroy the people and the States. Thus they pass away from the Constitution to the motives of those who happen to administer it, to ascertain the powers of the Government! Until the advent, in political logic, of these new lights, whose theory seems to be that nothing was ever before understood, and whose practice seems to be that nothing shall ever be considered as settled, it had been conceded by reasoners of supposed ability, that to prove a power could be abused was no argument to show the power did not exist. Existence itself may be abused, and unfortunately, all existing things are liable to be abused. Still, all things do exist. By this method of reasoning you could soon prove that Congress had no power whatever, for what power in the whole enumerated catalogue might not be abused to the injury if not the destruction of the people and States? Congress would have no power "to provide and maintain a navy;" for they might blockade and destroy all the ports of the States. Congress would have no power to "regulate commerce;" for they might destroy all the commerce of the States. And it would never do to permit the Confederate States to build forts and iron clad vessels for the protection of our cities, and man them with Confederate troops, for they might turn the guns on the cities and destroy them! The truth is, my friends, when men or rulers wish to destroy, they do not wait for *authority* to do so. The best evidence of a willingness to assault right and liberty is the exercise of powers not granted, or of functions not conferred. Revolutions neither make nor justify tyrants, but they do develope them. Place no power in the hands of those who betray a love for the exercise of power—who plead necessity as the excuse for usurpation, and revolution as the occasion for oppression. The crowing grandeur of Washington's character was, that in the midst of revolution, he obeyed the laws; and the highest claim which Mr. Davis presents for your confidence is, that with examples to the contrary all around him, he has, thus far, strictly refused to exercise any power not expressly authorized by law. It is a fact well attested by all history, that they find most fault with power in others, who, themselves exercise ungranted powers most freely. This is the sure unerring ear-mark of that ambition which made Cæsar and Cromwell and Bonaparte trample upon the liberty they swore to defend, and grasp empire.

Was the conscript law intended to destroy the States? Did it destroy the States? On the contrary, history will record the fact, that it saved the States, and saved the country. Yea, it drove back the foreign invader and secured to its domestic foes the privilege of sitting here in peace, to defame the law as an usurpation, the government that enacted it as oppressors, and the heroic army that obeyed it as slaves!

Nor will I omit this occasion to enter my protest against that folly now so common, of attempting to excite jealousies, controversies and conflicts between the States and their own common government. To hear these ill-timed philippics against that government, a stranger would suppose that the Confederate States was a government foreign to the States, and the necessary and unyielding enemy of the States. The people are constantly warned not to trust, not to help, not to sustain, but to distrust and to resist their own government as some insidious monster always stretching for power to de-

stroy the States. Now, my friends, who are they that administer the Confederate States? Are they not citizens of the States, delegates from the States? Are not their interests all in the States? Have I lost my affection for my State because you have honored me as her delegate in that government which was created by the States and whose business is to protect the States? Is not my family, my property, my home, my every interest and every hope still in my State? Why have I less interest in, or less affection for Georgia than I had when I occupied one of your seats in the State Assembly? We have gotten rid of those whose interests and sympathies were different from our own. Let us also get rid of the excessive jealousies which those differences furnished politicians with an excuse to inflame.

The government is your own. The agents who administer it are of your own choosing from your own citizenship. Choose wise men, good men; then give them your confidence and support. And when they become unworthy, return them to private life.

Eternal vigilance is the price of liberty! I grant it. But I deny that eternal vigilance means perpetual snarling, snapping, fault finding and complaining. I deny that vigilance means resistance to the government, disaffection to the laws, contumely to authority, or the disorganizing freedom of individual opinion to set itself up against legal enactments and judicial decisions.

No, there is no foundation for these constant jealousies and threatened conflicts between the State and Confederate governments. Nine of every ten of these issues spring, not from any real well grounded differences, but from passion, personal ambition and party manoeuvre. There is little difficulty in understanding the respective rights and powers of the two governments where the desire is sincerely and only to understand them. The powers of the Confederate Government are plainly and specifically delegated. The rights of the States are covered by two propositions: first, to exercise the powers reserved or not prohibited; and, second, to have the powers delegated exercised according to the purposes of the grant. The great business of the Confederate Government is to manage the interests common to the States, and especially to conduct the relations with foreign governments. There is too much quibbling about terms. I sometimes speak of the Confederate Government as a nation. What is meant by this? When applied to the Confederacy it has no territorial reference. Are we not struggling for admission into the family of nations? Are we not claiming and demanding recognition by other nations? As what will we ask them to recognize us? By what name will we be called? Agency? Created by a revocable power of attorney, which experiment entered into to-day and which caprice may recall to-morrow? Partnership? A society of convenience, without rank or national dignity? A standard writer, concurred in by all standard writers, tells us, "that the independent States entitled to rank in the great family of nations, are those powers to whom belongs the right of embassy." The right to receive and to send public ministers. Will not this be the great—the peculiar—the appropriate province of the Confederate States? Who shall conclude our treaties of peace and of commerce; form alliances; receive ministers of foreign nations; resent insults and demand reparation for injuries? Who shall float the flag, and protect the citizen over all waters and in all lands? Who, but the Confederate States? And shall we say they shall enter this great family with less rank, less dignity, and less power for success than other nations? Less than England, or France, or Russia; yea, less than Turkey, Brazil, or Mexico?

Away with this perpetual effort to belittle and paralyze our own government. We have prescribed its boundaries, beyond which it cannot pass, and within those boundaries let us not quarrel over forms nor quibble about terms, but render that confidence and co-operation so essential to efficiency. Let each government—State and Confederate—move in its own sphere, neither interfering with, abusing, nor exciting jealousies against the other, for both are seeking the one great end—the happiness of the same people.

Too many persons will not interpret the Constitution according to its plain language, and clear intent and meaning. Adherence to some preconceived



theory; the prejudices of education; the bias of association; the desire to accomplish some given object; even passion, impulse, personal disappointment, or a dislike of those who, for the time, administer the government; ambition, interest, or caprice, often shape the judgment and form the opinion of men. Every law which does not conform to their theories is at once declared an usurpation and void, and the Constitution itself is unconstitutional when it does not suit their views or promote their wishes. It is according to the philosophy of the human mind that those who are thus influenced rarely see the right and as rarely admit an error. Such minds are always extreme, sometimes fanatical. There is no rule of logic which they will not violate, no perversion of fact which they will not commit, and no elevation of character which they will not assail. They rarely yield an opinion, yet are never consistent. They admit no wisdom in precedent, no respect for authority, and nothing binding upon conscience but their own abstract individual opinion. It was precisely this spirit, which, in the old Union, inaugurated the crusade against the South. The laws of Congress, though based upon a plain grant in the Constitution, were nullified by State Legislatures, set aside by Circuit Judges, and made obions by the official harangues of State Governors. The decisions of the highest Courts in the land fixed no obligation upon individual opinion to conform, settled no disputes, and judges, distinguished for learning, patriotism and every virtue, were openly assailed as governed by outside influences! Read the records of Northern fanaticism and find the verification of all these statements. Then turn your eyes to the fields of blood, and wail and ruin all over the Continent, and you will see the only legitimate results of such an insatiate spirit of discord. It is not the subject which this spirit may agitate that works the mischief: it is the *spirit* itself which will always find a subject and make an occasion.

Why, gentlemen, if the people were to select a thousand times they could not find persons into whose hands they could more safely entrust the rights and honor of the States than those who now administer the Confederate Government. The President, from his youth up, has been distinguished for his devotion to the States. If you enter the Senate chamber you find there the well-balanced Clay of Alabama; his colleague, the eloquent Yancey; that able, experienced and renowned statesman, Mr. Hunter, of Virginia; Mr. Barnwell, of South Carolina, than whom no better man nor purer statesman ever blessed his country or adorned a Senate; and many more well deserving of mention; all of whom have ever been champions of the rights of the States, and all of whom voted for and advocated the Conscription Laws. Yet the men of yesterday tell us that these men are usurping power which may crush the States! Has absurdity no limit; effrontery no blush? Has statesmanship no avocation but fault-finding; patriotism no end but power; ambition no satiety even in blood, and the country no destiny but dissension and endless divisions?

But, if these high Confederate characters merit not your confidence, will not the decision of your own highest State Court—a Court composed of judges than whom none are more eminent as jurists nor more worthy as men—appease your wrath and convince your judgments? Is your own highest Court engaged, also, in the terrible work of destroying the States and enslaving the people? Can none be right but those who condemn the law? Can none be trustworthy but those who persist in discord? Has it come to this, that statesmanship can settle no principle; character excite no confidence; and the courts end no controversy? Does freedom of speech consist in assailing the constituted authorities of the land, and freedom of opinion confer the right to disregard adjudicated law? Beware, my countrymen, lest with such wild, unbridled theories, you mistake licentiousness for freedom, and enthrone bloody anarchy in the seat of law-restraining liberty! Casuists have written, and cabinets have debated, to ascertain the best form of government and the true philosophy of governing. Every form has had its advocates, and every people their experiments, and the bloody arbitrament of war has shed its crimson tides in the ever-recurring controversy. But to one great conclusion casuists and cabinets, people and armies must agree. All government is vanity where the laws are not respected.

Wah, vain in belief, will all your sacrifices be; your sons will fall in vain, and in vain will your heroes roll back the red wave of battle and vanquish the countless hosts of the invader, if, when peace returns, the law be not the rule of every man's life, and the guide of every man's opinions. This is the rock on which we have split. This is the rock towards which we are steering again: the growing, spreading disregard of law and disrespect for authority. The philosophy of government is law. The stability of government is law. The glory of government is law. And oh that I could catch the emphasis which would force universal conviction when I say, the **FREEDOM OF GOVERNMENT IS LAW!** Where shall conflicting opinions harmonize, save in the decisions of legal authority; and how can we agree except on the basis of well considered law?

These, my friends, are no new thoughts with me. I utter them with earnestness, because I have felt them for years. Lawlessness is the power I never cease to dread; and I warn you this night, that it will require all your vigilance to prevent it from enslaving yourselves, and establishing its throne of ruined hopes in this land we leave for our children, and all in the name of liberty.

But there is another state of things which transpired in the history of those Conscription laws which is the reverse of that against which I have been speaking, and which is well calculated to gladden our confidence and inspire our hope.

I have said that I predicted resistance by some in authority to these laws, and that under the circumstances then existing this disaffection might extend to the army, and we should be undone. My judgment was not at fault in its conclusions as to what politicians would do; but the apprehension that their teachings might possibly affect the conduct of the troops was groundless. I know of no incident of the kind in all history more beautiful and touching than the self-denying patriotism with which the troops who originally enlisted for twelve months, obeyed the first Conscription Act.

In ancient Sparta the evidence of all worth, the test of all courage, and the sum of all virtue, was obedience to the laws. And Socrates, the Athenian, has been consecrated to immortality for more than twenty centuries as the greatest and wisest of ancient philosophers, because he submitted himself to the law of his country, though that law was procured by false accusation and doomed him to the death of a felon.

For a short period in the beginning of the revolution, the government asked for volunteers to serve for twelve months.

In a very little time more than one hundred thousand enlisted. They came from every rank and condition in society. They came—the tender son of fortune, the hardy mechanic from his shop, the student from his lamp, the laborer from his plow, the bridegroom from his chamber, and the old man from his household—all peers and comrades—rushing to the front in this dawning struggle for imperilled liberty. They braved the scorching heats and life destroying miasmas of the tropical South. They endured the frozen snows and icy winds of the chilly North. Amid the flowing gardens of beautiful Pensacola; by the wave-washed shore of surf-beaten Hatteras; on the banks of the classic James and York; and over the dreary summits and through the rugged gorges of the mountains of Virginia, these first enlisted bands of Confederate braves, marched and camped and fought and suffered for their beleaguered country. By the deeds which heroes love, and the pains which martyrs only feel, they have made the names of Bethel and Manassas, Leesburg and Belmont, Laurel Hill and Sewell Mountain, as familiar as Marathon, sacred as Bunker Hill and immortal as Yorktown.

The months rolled by and the end of enlistment drew near. Fatigue to the extent of physical strength had been borne, and glory enough even for the spirit of the Cavalier had been won. It was natural that the heart should turn its longings from the strife, and the tired soldier, "foot-sore and weary," should desire to go home and rest. The sweet thought made the laugh ring merry around the camp fires, and was whispered in earnest hope from comrade to comrade along the line of battle. In the quiet night the sleeping veteran, all fitful in dreams, would start and mutter in half uttered



accents the names of the loved ones rushing to the gate to meet him; and the faithful sentinel, wide awake with the joyous anticipation, would count by his steps as he paced his rounds, the days and the hours that lingered, ere yet he should receive the heart-warm welcome of wife and family. Alas! for the cruel, heartless demands of relentless war. The foe still pattered along our borders. These very homes were yet threatened with desolation and ruin by as piratical an invader as ever cursed the innocent of the earth. Therefore, the reluctant but stern enactment came, and said to these earliest patriots, "This return must not be yet! The march must still be made: the watch must still be kept, and for two long years more you must endure the hardships of camp and dare the dangers of the night!" What a test of patriotism was this! No wonder that soldiers felt anxious for the effect of this trying announcement. No wonder the enemy expected our army to disband. And just at this moment—this critical moment—the voice of the politician was heard, in accents as insulted to the camp as the whispers which seduced from allegiance in Eden, saying to these troubled and disappointed spirits: The law is *unconstitutional*—unjust—unnecessary, and binding on no one! Yet, not one of that hundred thousand listened to the voice of the charmer, or questioned the duty of obedience. No, no, they clinched anew the rifle and started afresh for the battle. Their vengeance was against the foe that made the law a necessity. And by *that* triumph our independence *was* won.

All along from Malvern Hill to Sharpsburg, and from the Potomac to the Mississippi, these heroes are sleeping in glory to-night. To these, that happy return will never come, but they have furnished an example of duty and sacrifice which all nations shall praise and their children shall bless forever. Others, more fortunate, have returned, and many of them with one limb, or one eye, and with scars of honor such as Trojan never wore and Grecian never won, are everywhere urging obedience to the laws of the country they defended. If civility obeyed, what excuse has ambition to resist? If the army is satisfied, why should politicians and people complain? Here let the gown and the ermine learn of the sword and the bayonet a lesson of obedience and submission. Let the sublime examples speaking in the rattling musketry and deep-mouthed cannon along the Chickahominy and the Shenandoah silence *your* cavils—ye, of easy seats and safe positions! For shame, let demagoguism slink away in silence, and cease forever to disturb a people so worthy to dwell in peace; and with one voice and one heart let us consecrate to immortality, and to the perpetual emulation of our children the memory of these confederate heroes of more than Spartan courage, and greater than Socratic virtue.

Thus, gentlemen and fellow citizens, in feebleness but in candor, have I given you my views of the condition and prospects of our country. We began in divisions and doubts. These divisions are healed and these doubts are gone. We began in weakness. In the very struggle for life we are growing strong. We began without arms, without munitions of war, and without known resources. We have procured, and are daily making plenty of arms of most excellent quality, from the pistol to the heaviest ordnance. We have no lack of the munitions of war; and our mountains and our caves, our fields and our looms are furnishing resources and supplies abundant for every purpose and for all our people. Providence seems to have hid away in our earth every good and desirable thing, and when the hour of our need arrived, kindly guided us to them. We have suffered disasters, and in the nature of war must suffer them again. But we have had four fold triumphs, and shall have final success. But few differences and discussions have arisen, and time and patience have soon shown them to be unfounded and unnecessary. The only remaining difference—the conscription laws—was never extensive, is narrowing daily, and must soon pass away with the others. They are founded on a specific grant, were obeyed by the army, and saved the country. In the shadow of these great facts opposition must sicken and die. We have a better army than we have ever had, and are stronger in every element of power. We have already won success, and patience will bring the full fruition of our hopes. No other nation will molest us. No outside power,



for combination of outside powers, can subjugate us. We can never be subdued until we ourselves shall will it. All the civilized nations commend our devotion and admit our wisdom. Our enemies, in fear and trembling, concede our power. The darkest day of the crisis is behind us: and as surely as the natural sun shall rise on the early morning, and brush away the mists and darkness which surround us to-night, so surely will the sun of our independence arise on an early morrow, and driving away these murky clouds of war, give splendor to the earth, and light and life and happiness to our children.

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